

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**WHEEL PROS, INC.,
44 Union Boulevard
Suite 620
Lakewood, Colorado 80228**

Plaintiff,

v.

**CIA WHEEL GROUP, INC. d/b/a WHEEL
GROUP d/b/a/ WHEEL-1 d/b/a WHEEL 1,
8332 Bristol Court
Jessup, Maryland 20794**

CIVIL ACTION NO. _____

**SERVE ON: Jason Vaughn
Resident Agent
8332 Bristol Court
Jessup, Maryland 20794**

Defendant.

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Wheel Pros, Inc., a Colorado corporation (“Wheel Pros”), brings this action against Defendant, CIA WHEEL GROUP, INC. d/b/a WHEEL GROUP d/b/a WHEEL-1 d/b/a WHEEL 1 (“Defendant”) for patent infringement and common law unfair competition, and alleges as follows:

JURISDICTION AND VENUE

1. The cause of action in this case arises under the United States Patent Laws, 35 U.S.C. § 1 et seq.
2. This Court has subject matter jurisdiction as to the patent claims pursuant to 28 U.S.C. § 1331 and § 1338(a) and as to the state law claim pursuant to 278 U.S.C. § 1367.
3. Venue in the United States District Court for the District of Maryland is proper pursuant to 28 U.S.C. § § 1391(b) or (c) and 1400(b). Defendant has committed acts of

infringement in this District and has a regular and established place of business at 8332 Bristol Court, Jessup, Maryland.

THE PARTIES

4. Wheel Pros is a Colorado corporation with a place of business at 44 Union Boulevard, Suite 620, Lakewood, Colorado 80228.

5. Upon information and belief, Defendant is a California corporation with places of business at 18400 East Gale Avenue, City of Industry, California and 8332 Bristol Court, Jessup, Maryland. Defendant does business in this District and elsewhere as “CIA Wheel Group,” “The Wheel Group,” and “Wheel 1” or “Wheel-1.”

BACKGROUND

6. Wheel Pros is in the business of designing, distributing, and selling wheels for cars, trucks, and other vehicles. Wheel Pros sells its products to automobile dealers and retail distributors of vehicle wheels.

7. Wheel Pros is the owner of U.S. Design Patent No. D507,222 (the “’222 Patent”), entitled “Front Face of a Vehicle Wheel.” A copy of the ‘222 Patent is attached hereto as Exhibit A. The ‘222 Patent features an ornamental design for the face of a vehicle wheel.

8. Defendant, without Wheel Pros’ authority, recently began offering for sale within the United States a vehicle wheel which includes the patented design of the ‘222 Patent. Defendant calls that wheel the ALLOY ION Style 181. A copy of Defendant’s catalog showing the ALLOY ION Style 181 is attached as Exhibit B. On information and belief Defendant has also manufactured such wheels and is taking further steps to import and sell, or has imported or sold, such wheels in the United States.

9. In the eyes of the ordinary observer, giving such attention as a purchaser usually

gives, the design as shown in the '222 Patent and Defendant's ALLOY ION Style 181 wheel is substantially the same.

10. On information and belief, at all times relevant hereto, Defendant has had knowledge of the '222 Patent, and Defendant's subsequent offer for sale and sale of the ALLOY ION Style 181 wheel constitutes willful, deliberate infringing activity.

COUNT I: PATENT INFRINGEMENT

('222 Patent)

11. Wheel Pros repeats and realleges the allegations contained in the foregoing paragraphs.

12. On information and belief, Defendant, alone or in concert with others, has offered for sale in this District and elsewhere in the United States, automobile wheels which infringe the claim of the '222 Patent, and has manufactured such wheels and is taking further steps to import and sell, or has imported and sold, such wheels in the United States.

13. By its actions, Defendant has violated 35 U.S.C. § 271.

14. On information and belief, Defendant's infringement will continue unless enjoined by this Court.

15. Wheel Pros is being damaged by Defendant's infringement of the '222 Patent and is being and will continue to be damaged unless this Court enjoins Defendant's infringement. Wheel Pros does not have an adequate remedy at law.

16. On information and belief, Defendant's infringement of the '222 Patent is and has been willful and Wheel Pros is entitled to an award of multiple damages and attorney fees.

COUNT II: COMMON LAW UNFAIR COMPETITION

17. Wheel Pros repeats and realleges the allegations contained in the foregoing paragraphs.

18. Defendant's willful acts of infringement of Wheel Pros' rights constitutes unfair competition in violation of Maryland common law.

WHEREFORE, Wheel Pros respectfully requests that this Court:

A. enter judgment in favor of Wheel Pros and against Defendant for infringement of the '222 Patent;

B. order the infringing goods be recalled and/or gathered by Defendant from all retail or wholesale outlets to which Defendant has sold or delivered the goods;

C. order the infringing goods be impounded and subsequently be destroyed;

D. enter an order directing Defendant to deliver to Wheel Pros for destruction all advertisements, circulars, brochures or other promotional or advertising items or materials for its infringing wheels;

E. award enhanced damages to Wheel Pros adequate to compensate for the infringement of the '222 Patent, but in no event less than a reasonable royalty for the use made of the patented designs by Defendant, together with interest and costs as fixed by the Court;

F. additionally, award damages to Wheel Pros for infringement of Wheel Pros' Design Patent No. D507,222 equaling the total extent of Defendant's profits;

G. award Wheel Pros its attorneys' fees and costs incurred in connection with bringing this action; and

H. award Wheel Pros such other and further relief as this Court deems just and equitable.

Respectfully submitted,

/s/ Jan I. Berlage
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Date: October 5, 2005